

Notice of Allowability

Application No.

10/047,221

Examiner

George R. Koch III

Applicant(s)

ENGEL, HAROLD J.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/3/2005.
2. ☒ The allowed claim(s) is/are 20-24.
3. ☒ The drawings filed on 03 June 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The title has is amended to:

Dispensing System with a Piston Position Sensor and Fluid Scanner

Claim 25 is cancelled.

Remarks: Claim is marked as original in the copy of the claims filed 6/3/2005. Claim 25 was non-elected without traverse (see response filed 12/17/2004) and is thus allowed to be cancelled by the examiner. It appears that applicant intended to cancel claim 25 with claims 1-19 and 26 in the papers filed 6/3/2005 but used an erroneous status identifier.

2. The following is an examiner's statement of reasons for allowance:

Applicant has amended the claims to make clear that the piston functions to create a dispense stroke, the movement of this stroke being effective to force a fluid to

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be dispensed towards a dispense tip. This amendment overcomes the Weston reference, since the piston in the Weston reference functions to close the valve.

A piston dispenser with such a piston is known in the art - for example, Ozawa (US 5,361,963) or Suzuki (JP 05-208157). Furthermore, the prior art discloses that it is known to use a piston sensor with dispensing pistons used for dispensing conformal or viscous coatings (for example, Ozawa, figure 2, items 7a-7f).

Additionally, Weston discloses the dispenser, dispense tip, programmable controller, scanner and actuator for a dispenser that does not use a piston for the dispense stroke (see the rejection of previous claims 20-24 under 35 USC 102(b) in the prior office action) but rather uses a piston for the opening/closing of the valve.

However, there is no motivation in the prior art to either combine the piston dispenser of Ozawa or Suzuki with the details of the dispenser of Weston. Therefore, there is no motivation for the controller to be capable of outputting the signals to the actuator (and thus piston) of Ogawa or Suzuki to modify a succeeding dispense stroke parameter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'GRK' followed by a stylized flourish and the number '161'.

George R. Koch III
Patent Examiner
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GRK
8/22/2005